



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,049	05/09/2001	Thomas R. Firman	10591-003009	4504
26161	7590	06/08/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			KNEPPER, DAVID D	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,049

Applicant(s)

FIRMAN, THOMAS R.

Examiner

David D. Knepper

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>CD Submission Review Results</u> . |

1. Applicant's correspondence filed on 19 December 2005 has been received and considered. Claims 15-25 are pending. Claims 1-14 have been canceled.

Specification

2. The disclosure is objected to because of the following informalities:

The applicants supplied Appendix C on CD-ROM in PDF format as noted on page 3 of their Remarks (applicants' page #117). However, 37 CFR 1.96(c) requires such materials to be in an ASCII format. Related ASCII formats (i.e. - most "text" (.txt) formats, Rich Text (.RTF), etc.) would suffice as alternatives. However, the Examiner does not have authority to waive the requirements of this rule and accept non-ASCII data formats. The applicant would need to file a petition under 37 CFR 1.183 to request a waiver or suspension of the rules.

The applicant filed a petition but no decision has been rendered.

Claims

3. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for adding speech recognition to a computer, does not reasonably provide enablement for the details of a computer's operating system. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

The "event queue" in particular is not shown in any drawing nor are any details in the specification provided about how the invention modifies the operating system as presented in claim 21.

The applicant's arguments of 19 Dec 2005 on pages 9-10 points out that claim 21 "does not state that the operating system is modified to include an event queue; it merely requires 'an operating system including an event queue.'"

However, the applicant fails to address the lack of details for an event queue. Should the Examiner interpret the argument to be an admission that event queues are obvious? If so, this would obviate the need for a rejection under 35 USC first paragraph as this limitation would then be admitted as obvious and would not require the Examiner to search for an event queue which is otherwise undefined by the applicant's specification.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-25 are rejected under 35 U.S.C. § 103 as being unpatentable over Hansen (4,776,016) in view of Rosenberg (Computers, Information Processing & Telecommunications, 2nd Edition, 1987) and Macintosh (Macintosh SE/30 Owner's Guide, pg 111).

As per claims 15, 17, 18, 22 and 23, Hansen teaches "a voice user interface" (see his adaptable control system, abstract and figures):

"recognizing a voiced utterance" (his voice recognition systems, col. 5, line 11);

“converting said voiced utterance into a command string including a command simulating a function of said mouse” (suggested by his disclosed ability to move the cursor on the display through the use of voice commands, cursor control inputs or both. The cursor control inputs include cursor control button, the mouse, the digitizer, etc., col. 5, lines 26-33 – see also col. 6, lines 14, 42-46 and figures 1-2 – while the Hansen does not explicitly state that he is simulating a mouse function he does explicitly state that a user may use keys...to move the cursor on the computer screen ...or, if the user desires, the user may utilize voice commands via the microphone 33 to perform these functions – since he also teaches the use of a mouse as an alternative cursor control input, it would have been obvious to utilize or substitute verbal commands for similar cursor control functionality).

It is noted that Hansen does not explicitly teach “said mouse being operable to direct movement of said pointer”. However, the applicant’s arguments that Hansen’s system is limited to MS DOS disk operating systems (col. 4, lines 10-17) is misplaced because this is only a reference to his preferred embodiment of figure 1. The Examiner relies upon his teaching of figure 2 where Hansen suggests an alternative embodiment by stating in col. 5, lines 43-45: FIG. 2 shows a modified version of the embodiment of FIG. 1 in the situation wherein the computer system includes a “mouse.” One of ordinary skill in the art would have known that a computer mouse is utilized precisely for the purpose of moving a pointer. See, for example, a commonly accepted definition of the word “mouse” in 1987 by Rosenberg: a cigarette-pack size plastic box with a button on top and a cable connected to a computer. When moved on the surface of a desk, an arrow shifts on a monitor screen permitting the user to juggle words or statistics around. The “mouse” tells the computer what to do and eliminates clumsy computer commands that have to

be typed with a keyboard into some personal machines. The Macintosh manual, page 111 is also used as an example showing a picture of such an arrow (applicant's claimed "pointer") and the selection of commands such as cut, copy, paste that otherwise would have required keyboard entry of words or shortcut keys. The Macintosh example show a well known computer system of 1988 that contains a mouse port such as the mouse port 27 of Hansen's Fig. 2. It would have been obvious to route a mouse and keyboard, such as those shown on the cover of the Macintosh SE/30 Owner's Guide through the invention of Hansen as shown in his FIG. 2 to achieve the desired result of allowing direct movement of a pointer because this is, by definition, what a computer mouse is designed to perform.

Claim 16: A "command string further comprises a command to said program" is redundant over the use of a "command" as noted under claim 15.

Claim 19: A number of text "arguments" are shown for generating commands that require more than one word in figure 10 regarding programs or commands for programs containing multiple words. Figure 14 and col. 11, line 65-col. 12 in particular show that voice commands can include multiple words such as specific x and y coordinates where it is desired to locate the cursor. Figure 14, 4th box (move the cursor ($XD=XN-X0$, $YD=YN-Y0$)) shows the relative calculations for movement of the cursor that would be equivalent to the calculations necessary for relative movements of a mouse to perform the same function. This is taught as an alternative to commands such as up, down, left, right, etc. that would mimic individual keys for cursor control.

Claim 21: It is inherent that if a command is directed to the operating system, then it will particularly affect an "event queue" of the operating system. Computers require an operating

system to schedule events that that must be performed and make extensive use of queues to manage the order in which the operating system will send instructions to the processor (CPU). The applicant's specification in paragraph 48 that the claimed "event queue" is "not shown" and that the Macintosh computer used by the applicant has an inherently event driven operating system. Therefore, this is considered evidence that the applicant did not invent event driven OS nor an "event queue". Arguments to the contrary should include a figure disclosing details to of an event queue along with necessary explanations and evidence showing that this is not new matter.

Claims 24, 25: See claim 15 above. A set of representations that allow "mapping from a member of said set of internal representations to a member of said set of output strings" is taught by Hansen as noted above in that he stores templates that have the mappings that indicate how each voice command will be interpreted and output (see fig. 3, boxes 44 and 46).

Claim 20: It is noted that Hansen does not teach the use of "menu selection". However, this is explicitly taught as inherent in many computers available since 1888 as shown in the Macintosh reference on page 111 where the definition of menu indicates that it is inherently A list of commands that appears when you point to and press the menu title in the menu bar. Dragging through the menu and releasing the mouse button while a command is highlighted chooses that command. Therefore, it would have been obvious to one of ordinary skill in the computer arts to use the voice control system of Hansen in a computer that has inherent menu selection capabilities because Macintosh teaches menu selection is an obvious combination that modern software will allow computers to perform if they are normally operated in combination with a mouse.

Remarks

6. The applicant's arguments are not persuasive and are addressed above. In particular, it is believed that one of ordinary skill in the art would know that early MS-DOS systems did utilize mouse inputs but that later operating systems added this feature. The Macintosh is used as an example computer that the applicant may have been aware of, which specifically required the use of a mouse and would have been a well-known alternative computer system over a system dependent on MS-DOS.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

The Central fax number is 571-273-8300. Please label INFORMAL" or "DRAFT" communications accordingly.

Mail Stop should be omitted if none is indicated.

Effective 14 January 2005, except correspondence for Maintenance Fees, Deposit Accounts (see 37 CFR 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence delivered by other delivery services (i.e. – Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

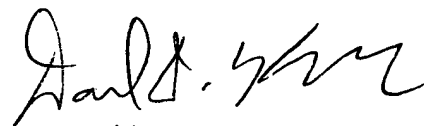
U.S. Patent and Trademark Office
Customer Window, Mail Stop _____
Randolph Building
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper
Primary Examiner
Art Unit 2626
(previously AU 2654)
May 15, 2006

CD Submission Review Results

Application Number	09852049	Receipt Date	5 9 01
--------------------	----------	--------------	--------

New Application	<input checked="" type="checkbox"/> Response to Notice	Date of Response	12 19 05
-----------------	--	------------------	----------

☐ Jumbo – Large tables are included on the CD Page Count _____

☐ There are no problems with the CDs in the submission.

Items checked below are to be selected in the PALM Pre-Exam CD problem list.

Omitted Items

- ☐ Files on compact disc are unreadable:
- ☐ Disc(s) of either set not readable:
- ☐ Disc(s) do not contain file names listed:
- ☐ Amended CD missing unamended files:
- ☐ Missing compact discs:

Missing Parts

- ☐ Disc(s) do not contain file names listed:
- ☒ Discs contains files that are non-ASCII files:
- ☐ Only one copy of the CD, no duplicate:
- ☐ Wrong media type, e.g., CD-RW:
- ☐ The transmittal letter and specification do not list information:
- ☐ Both disc(s) contain unreadable files:
- ☐ One disc(s) contain unreadable files:
- ☐ Compact disc(s) contain viruses, but are still readable:
- ☐ EFS/Paper Submission:
- ☐ Table does not maintain data in proper alignment:
- ☐ Not proper subject matter for CD's:

Informality – If no problem, do not send notice, leave letter for Examiner

- ☐ No statement in transmittal letter that CD's are the same:
- ☐ No incorporation by reference statement for the CD's:
- ☐ CD's not labeled "Copy 1" and "Copy 2":
- ☐ Deficient CD packaging:
- ☐ Deficient Labeling on CD's:
- ☐ The transmittal letter does not list information:
- ☐ The specification does not list information:
- ☐ Table less than 51 pages submitted on CD:

File Directory Attachment

- ☒ Copy of file directory listing is attached and should be mailed to applicant
- ☐ Copy of file directory listing is not attached
- ☐ Copy of file directory listing is not attached because it is over one page long